

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: **AW/42/15/T**

LOCATION: Little Drewston
 Canons Close
 Bognor Regis

PROPOSAL: Fell 1 No. Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application.
BOUNDARY TREATMENT	Open boundary to the front with a 1.8 metre high brick wall to the sides of the primary elevation.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling.
CHARACTER OF LOCALITY	The locality of the site is predominantly residential in character.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No Objection - Members agreed that the Arun Arboriculturist should be consulted regarding the application and that his recommendation/decision be applied. Members also requested that the replacement tree be inspected to ensure it complies with recommendation.

Conservation Area Advisory Committee:-
Objection - Refer to tree officer.

Comments on Representations received:

Comments from the Parish noted. Objection from the Conservation Area Advisory Committee noted and additional comments obtained from the Council's Tree Officer who has noted that despite the lack of evidence to support the structural uncertainty of the tree, the tree is of such poor form and condition that the proposed felling is justified.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's Tree Officer:-

Comments:

- The Outlined trees are situated in the area of Aldwick. This is a high Amenity area with rich stock of varying established trees in the immediate landscape.
- The trees outlined in this application is located in the rear garden of Little Drewston Canons Close. The highlighted tree is situated in a conservation area, and due to its age, T1 is covered by an active TPO order.
- It is clear from the site visit, T1 is situated no more than 5 meters away from the onsite dwelling. As stated on the submitted application, the foundations of this onsite dwelling are unlikely to be larger than 1 meter in dept. Given the site has been identified as having up to 40% shrinkable clay soil, there is real potential for the dwelling to be effected by changes to the moisture levels in the ground. The applicant has provided photographic evidence that does show cracks that have already formed up the eastern side of the dwelling. These cracks were confirmed by the site visit.
- It was also clear form the site inspection that T1 has had a heavy previous reduction. This reduction has evidently had a major impact on T1's vitality. This can be attributed to the number and size of the pruning wounds that have left throughout the canopy (as described in section 7.2.4 of the BS 3998:2010). T1 has responded to this overzealous pruning by a fair amount of epicormic growth being put on along the main scaffolds/stem. This display of stress as a reaction to variable affecting T1.

Recommendation:

- Although the submitted subsidence report is not up to detail/standard expected to justify the felling of T1, the fact the previous reduction has contravened section 7.2.4 the BS 3998:2010, and has left T1 in a poor form and very poor condition. The retention span is also likely to be adversely effected by the scale of the outlined reduction.
- As this tree is covered by an active TPO, a suitable replacement will be requiring mitigating the loss of T1.
- The replacement tree should;
 1. Be within 15 meters of the original tree (as to move away from the dwelling)
 2. Should have an expected mature height of 12 meters

Suggested replacements would include:

Quercus - Robur, ilex, pubescens

Capinus betulus

Liriodendron tulipifera

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation's Applicable to Site:-
Tree Preservation Order
Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The tree is located in the rear garden of the property and is the subject of a TPO. The tree is not a prominent feature within the street scene and an inspection by the Council's Tree Officer has identified that the tree is of poor form and in very poor condition.

It is acknowledged by the tree officer that the previous reductions have contravened section 7.2.4 of BS 3998:2010 which has had a major impact on the trees vitality. Therefore, despite the lack of evidence to justify felling on the grounds of structural damage to the dwelling - no objection is raised by the Council's Tree Officer to the proposed felling due to the retention span of the existing tree being limited.

Therefore, it is recommended that this application is approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 2 The applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of one of the following species;

Quercus - Robur, ilex, pubescens

Capinus betulus

Liriodendron tulipifera

within 15 metres of the original tree and under its supervision and in the event that any such tree dies within five years following such planting shall be replaced by a similar tree in a similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 4 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 5 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.